

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) No. 3:07-CR-51
) (Phillips / Shirley)
ANTHONY DARNELL MANNING)
)
Defendant.)

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter came before the Court on April 30, 2008, for a hearing on the Motion to Withdraw as Attorney of Record [Doc. 327], filed by Attorney Russell Greene at the request of his client, Anthony Manning. Mr. Manning was present with Attorney Greene. Assistant United States Attorney David Jennings represented the government. The government took no position on Mr. Manning's request for new counsel. Attorney Theodore Kern was present in the event the Court should appoint replacement counsel for Mr. Manning.

Attorney Greene and Mr. Manning informed the Court that problems had periodically developed with their attorney-client relationship which presented a potential impasse to their efforts to proceed with Mr. Manning's case. Attorney Greene provided a description of the state of affairs leading to the motion. Mr. Manning agreed with Attorney Greene's statements to the Court.

During the course of the hearing, Mr. Manning and Attorney Greene were able to discuss and resolve the problems. At the conclusion of the hearing, both Attorney Greene and Mr. Manning expressed their belief that they are able to proceed together for the remainder of the case. Mr. Manning stated that he did not now wish to have new counsel appointed. Accordingly, Motion to Withdraw as Attorney of Record [Doc. 327], is deemed withdrawn and therefore **DENIED** as moot. The Court appreciates Attorney Kern's attendance and assistance in this matter. Attorney Greene and AUSA Jennings confirmed that they anticipate proceeding with a sentencing hearing in this case on August 18, 2008, as scheduled.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge